

FILED

AUG 10 2005

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 JERZY PILCH,
13 Petitioner,

14 v.

15 ALBERTO GONZALES, Attorney
General of the United States; MICHAEL
16 CHERTOFF, Secretary of the Department
of Homeland Security; and NANCY
17 ALCANTAR, San Francisco Director of
Immigration and Customs Enforcement,
18 Respondents.
19

No. C 05-2819-MHP

**STIPULATION TO DISMISS PETITION
FOR WRIT OF HABEAS CORPUS
WITHOUT PREJUDICE; AND
[PROPOSED] ORDER**

20 Petitioner, by and through his attorney of record, and respondents, by and through their
21 attorneys of record, hereby stipulate to the dismissal of petitioner's petition for writ of habeas
22 corpus without prejudice because the parties agree that the respondents will issue the petitioner a
23 new Form I-286, with which he may request the Immigration Court to provide him with a new
24 bond redetermination hearing, and respondents agree that, for purposes of that hearing, the
25 petitioner is not presently subject to mandatory detention under 8 U.S.C. § 1226(c).

26 Each of the parties shall bear their own costs and fees.
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STIPULATION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS
C 05-2819-MHP

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2 Date: August 8, 2005

Respectfully submitted,

3 KEVIN V. RYAN
4 United States Attorney

5
6 /s/
7 EDWARD A. OLSEN¹
8 Assistant United States Attorney
9 Attorneys for Respondents

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11 Date: August 8, 2005

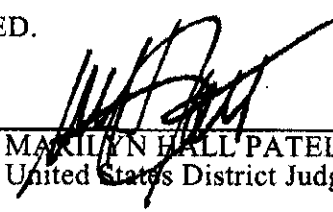
12 /s/
13 DON UNGAR, ESQ.
14 Attorney for Petitioner

15 **ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

16 Date:

17 8/9/05

18 
19 _____
20 MARILYN HALL PATEL
21 United States District Judge

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28 ¹I, Edward A. Olsen, attest that both Attorney Ungar and I have signed this stipulation and will produce the original signed copies upon request.

STIPULATION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS
C 05-2819-MHP